

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EARL LYNN BAGLEY,) Case No. C05-1161-JCC-JPD
Petitioner,)
v.)
UNITED STATES OF AMERICA,) ORDER
Respondent.)

On July 14, 2005, petitioner filed a letter requesting that the Court issue a body warrant ordering his transfer from the federal penitentiary in Lompoc, California to the Federal Detention Center in Seatac, Washington. Dkt. No. 10. Petitioner argues that the warrant should be issued so that he can attend the hearing in connection with his § 2255 petition. *Id.* Having carefully reviewed petitioner's request and the record, the Court ORDERS as follows:

(1) Petitioner's request for a body warrant, Dkt. No. 10, is DENIED because it is premature. The government has not yet filed its response and, as such, the Court has not yet made a determination as to whether a hearing of any kind will be necessary. Should the Court determine that a hearing is necessary, it will direct that a warrant be issued at that time.

(2) The Clerk is directed to send a copy of this Order to petitioner and to counsel for the respondent.

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02 DATED this 21st day of July, 2005.
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05 JAMES P. DONOHUE
06 United States Magistrate Judge
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